REMARKS

Claims 1-14 are currently pending in the present application. In an Office Action dated January 10, 2007, Claims 1, 5, and 9 were objected to because of certain informalities. Further, Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,134,003, to Tearney et al. (hereinafter "Tearney et al.") in view of U.S. Patent No. 3,597,091, to Bowker (hereinafter "Bowker"). Claims 6-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tearney et al. in view of Bowker, and further in view of U.S. Patent No. 5,163,927, to Woker et al. (hereinafter "Woker et al.").

Claim 1 has been amended to more particularly point out the claimed subject matter. New Claims 12-14 have been added. For the reasons set forth below, applicants believe that the pending claims are in condition for allowance.

Claim Objections

Claim 1 was objected to because the limitations "the number of fringes" and "the distance" in the last paragraph are lacking antecedent basis. Claim 5 was similarly objected to because the limitation "the distal end" lacks antecedent basis, and Claim 9 was objected to because the limitation "the depth of insertion" lacks antecedent basis.

Claims 1, 5, and 9 have been amended to address the objections set forth in the Office Action. Accordingly, applicants respectfully request withdrawal of the objections to Claims 1, 5, and 9.

Rejection of the Claims Under 35 U.S.C. § 103(a)

Under Section 103, a *prima facie* case of obviousness is established only if the cited references, alone or in combination, teach each of the limitations of the recited claims. *In re Bell*, 991 F.2d 781 (Fed. Cir. 1993); *see also* MPEP § 706.02(j) (Rev. 3, August, 2005). For the

reasons set forth below, applicants respectfully submit that a prima facie case of obviousness has not been met, and thus, Claims 1-9 are allowable.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tearney et al. in view of Bowker. Claims 6-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tearney et al. in view of Bowker and Woker et al. Claim 1 has been amended to recite a system for measuring dimensions of a body cavity having a "patient leg including indications of length thereon that indicate a depth of insertion of the patient leg into the body cavity" and "a computer system that receives information regarding the fringes detected by the detector and the depth of insertion of the patient leg to map the body cavity."

Tearney et al. fails to teach or render obvious the combination of features as recited in amended Claim 1. More specifically, Tearney et al. teaches an imaging system that is capable of performing longitudinal and rotational scanning to generate an image of the structure being analyzed. In this system, the longitudinal scanning is accomplished by changing the length of the *reference arm 8*. (See Col. 4, lines 53-67; Col. 6, line 29 to Col. 7, line 50; Col. 7, line 54 to Col. 9, line 3; Col. 13, lines 14-21.) Tearney et al. does not disclose an imaging system that includes "*a patient leg* including indications of length thereon that indicate a depth of insertion" and "a computer system that receives *information* regarding ... the *depth of insertion* of the patient leg to map the body cavity."

Neither Bowker nor Woker et al. disclose what is missing from Tearney et al. Bowker discloses an interferometer which is capable of sensing direction of displacement along a measurement axis (see Col. 10, lines 10-12). Bowker does not disclose an interferometer that is adapted to be inserted into a body cavity, wherein information regarding the depth of insertion, taken from the indications of length, is used to map the body cavity.

Woker does not disclose an interferometer but instead discloses an eversion catheter system having an outer catheter lumen, an inner catheter, and an elongated instrument movable longitudinally within the inner catheter. Indicia are provided on the instrument and the inner catheter for indicating at least one longitudinal position of the instrument relative to a distal end of an everting element. (See Col. 2.) Woker does not disclose a system for mapping a body cavity using the depth indicia on the catheter device.

Moreover, there is no apparent reason why one of ordinary skill in the art would have combined the indicia system of Woker with the imaging system of Tearney et al. to arrive at Claim 1. According to *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), "[o]ften it will be necessary for a court to look to interrelated teachings of multiple patents ... in order to determine whether there was an *apparent reason* to combine the known elements in the fashion claimed by the patent at issue." *KSR*, slip op. at 14 (emphasis added). The system of Tearney et al. accomplishes longitudinal scanning by changing the length of the reference arm 8 rather than the measuring arm 10 (i.e., the patient arm). The eversion catheter system of Woker uses indicia on the inner catheter and the instrument for indicating the longitudinal position of the instrument relative to a distal end of an everting element. Woker fails to teach the use of such position data for mapping a body cavity. Thus, applicants respectfully assert that one of ordinary skill in the art would not look to the eversion catheter system of Woker for modifying the measuring system of Tearney et al. to arrive at the invention recited in amended Claim 1.

For at least the foregoing reasons, applicants respectfully submit that Claim 1, as amended, is neither taught nor rendered obvious by the combination of Tearney, Bowker, and/or Woker. Accordingly, applicants assert that a *prima facie* case of obviousness has not been established. Therefore, applicants respectfully request the pending rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn.

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Claim 9 recites a system for measuring an internal body cavity of a patient having a "patient leg including a length marking that indicates a depth of insertion of the patient leg into the body cavity" and "a computer system that receives signals from the detector and an indication of the depth of insertion of the patient leg to construct a model of the body cavity." For the same reasons set forth above with respect to Claim 1, applicants respectfully submit that Tearney et al. in view of Bowker and Woker et al. do not teach or render obvious all the limitations of Claim 9. Accordingly, applicants assert that a *prima facie* case of obviousness has not been established. Therefore, applicants respectfully request the pending rejection of Claim 9 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-8 depend from Claim 1; therefore, Claims 2-8 include all the limitations of Claim 1. Claims 10-11 depend from Claim 9; therefore, Claims 10-11 include all the limitations of Claim 9. Thus, for the same reasons set forth above with respect to Claims 1 and 9, applicants respectfully submit that dependent Claims 2-8 and 10-11 are neither taught nor rendered obvious by the prior art.

New Claims 12-14

New Claims 12-14 have been added to particularly point out and distinctly claim the novel aspects of the present invention. Applicants respectfully assert that the newly submitted claims recite combinations of features neither taught nor suggested by the prior art. Accordingly, applicants respectfully submit that new Claims 12-14 are in condition for allowance.

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CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned with any remaining questions or concerns.

Respectfully submitted,

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